

MADelyn CASILAO, et al.)
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 Plaintiffs,)
)
 v.) Case No. 5:17-cv-00800-SLP
)
 HOTELMACHER LLC, dba HOLIDAY)
 INN EXPRESS, et al.)
)
 Defendants.)

As this Court aptly stated in its Order denying Plaintiffs’ initial *Daubert* challenge to defense expert Greg H. Bristol, “*Daubert* challenges to class certification expert witnesses [are] a good example of overlitigation of the matter on both sides.” Francis Order [Case No. 5:18-cv-00583-SLP, Dkt. 152] at p. 30, n. 21 (internal citations and quotations omitted). “At some point, the parties and their counsel have to have some confidence in the ability of the trial judge . . . to separate the wheat from the chaff as the testimony comes in[.]” *Id.*

Here, Plaintiffs’ Renewed Motion to Strike the Expert Report and Testimony of Greg H. Bristol (“Renewed Motion”) [Dkt. 220] literally contains no new argument or case law, and merely “refers” this Court to the pleadings and exhibits previously submitted with their initial *Daubert* challenge to Mr. Bristol’s opinions. Defendants understand that the

Renewed Motion is not technically styled as a motion to reconsider. However, when this Court made clear that its rejection of Plaintiffs' initial *Daubert* challenge to Mr. Bristol's opinions was without prejudice to future motions to exclude, Defendants do not believe this Court intended for any party to simply re-submit the *same motion for the same relief against the same expert, verbatim*, without any new argument or evidence. The experts identified by the parties prior to the Court's Order granting class certification were deposed before that Order, have offered no new opinions since, and have not been deposed again. Hence, requesting the same relief against the same expert based on the same arguments is a waste of the parties' and the Court's time and resources. For the reasons proffered in Defendants' initial Response to Plaintiffs' Motion to Strike Expert Greg H. Bristol's Rebuttal Report and Testimony [Dkt. 174] which is incorporated herein by reference, and together with this Court's Order rejecting Plaintiffs' initial *Daubert* challenge to Mr. Bristol's opinions, Plaintiffs' Renewed Motion should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2022, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

/s/ C. Eric Shephard

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